



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,112	03/31/2004	Remigiusz K. Paczkowski	10005.002200	6596

31894	7590	10/05/2007
OKAMOTO & BENEDICTO, LLP		
P.O. BOX 641330		
SAN JOSE, CA 95164		

EXAMINER	
ADAMS, CHARLES D	

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
10/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

Office Action Summary	Application No.	Applicant(s)	
	10/815,112	PACZKOWSKI ET AL.	
	Examiner	Art Unit	
	Charles D. Adams	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7-19-07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,5,10,14-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,10,14-18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 19 July 2007, claims 2, 4-5, 10, and 14 are amended, claims 1, 3, 6-9, 11-13, and 19-20 are cancelled, and claim 21 is added per applicant's request. Claims 2, 4-5, 10, 14-18, and 21 are pending in the application.

Claim Objections

2. Claim 16 is objected to because of the following informalities: the claim states "wherein the search engine" in line 1. However, there is no 'a search engine' in independent claim 14. Thus, it is unclear whether or not claim 16 refers to the different search engines or a new search engine. Appropriate correction is required.

Claim 10 is objected to because claim 10 depends on claim 1, which has been cancelled. Thus, it is unclear what claim 10 is dependent on. As claims 2, 4, and 5, depended on claim 1 and now depend on claim 21, for the purposes of examination, claim 10 was treated as if it depended on claim 21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 10, 14-15, 17-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US Patent 6,839,680) in view of Ryan et al. (US Pre-Grant Publication 2003/0088554).

As to claim 14, Liu et al. teaches a system for providing search results, the system comprising:

A plurality of client computers, each client computer including a persistently resident message delivery program, (see 2:54-61. The clients can download ProReach onto their systems), executing independent of any browser program (see 65:55-60. ProReach executes outside the Netscape Browser Program), configured to record client data indicate of consumer preferred links (see 11:59-67 and 12:1-36)

Liu et al. does not teach for keywords employed to perform searches across different search engines and across multiple websites,

Ryan et al. teaches for keywords employed to perform searches across different search engines and across multiple websites (see paragraphs [0043] and [0076]-[0077]),

Liu et al. as modified teaches wherein the user of the client computer is aware of and has approved the operations of the message delivery program and the communication of such navigation history data (see Liu et al. 63:43-54); and

A message server computer configured to receive client data from the message delivery program in each of the client computers (see Liu et al. 14:10-37 and 66:46-55), the message server computer storing a ranking of links associated with particular

Art Unit: 2164

keywords, the ranking being based on client data (see Ryan et al. paragraphs [0040]-[0041] and [0076]-[0077]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Liu et al. by the teachings of Ryan et al., since Ryan et al. teaches "it is a measure of which web-pages they found most useful after the key-word search. The combination of all surfer traces is used to create a users' choice hit-list". In addition to this, Ryan et al. teaches "presenting first the most popular web page listings in a subsequent search using the same keyword search entry" (see Abstract).

As to claim 15, Liu et al. as modified teaches further comprising:

A search engine configured to receive a search request for a keyword from a first client computer, the search engine being configured to provide the keyword to the message server computer and to receive a set of links from the message server computer over the Internet, the links in the set of links determined to be relevant to the keyword based on the client data (see Ryan et al. paragraphs [0043], [0064], and [0076]-[0077]).

As to claim 17, Liu et al. as modified teaches wherein the links in the set of links point to web pages on the Internet (see Ryan et al. paragraphs [0043] and [0076]-[0077]).

Art Unit: 2164

As to claim 18, Ryan et al. as modified teaches further comprising:

A search model created using the client data and configured to provide a score for a link, the score being indicative of a relevance of the link to a keyword (see Ryan et al., paragraphs [0076]-[0077]).

As to claim 21, Liu et al. teaches a method of responding to a search request in a computer network, comprising:

Receiving client data from application programs operating on client computers and executing independently of internet browsers on such computers (see 2:54-61 and 65:55-60), the client data including

Client navigation history across multiple websites (see 11:59-67 and 12:1-36);
and

Liu et al. does not teach search engine response and subsequent navigation history,

Ryan et al. teaches search engine response and subsequent navigation history (see paragraphs [0043] and [0076]-[0077]),

Liu et al. as modified teaches across all search engines employed by the client computer (see Liu et al. 11:59-67 and 12:1-36. Navigation history is recorded. Also see Ryan et al. [0043], [0047] and [0076]);

Wherein the user of the client computer is aware of and has approved communication of navigation history data (see Liu et al. 63:43-54);

Assembling a database associating website links with consumer preferences gathered from consumers (see Ryan et al. paragraph [0076]-[0077] and Liu et al. 14:10-37 and 66:46-55);

Receiving a search request, including at least one keyword (see Ryan et al. paragraphs [0043] and [0048]);

Providing at least one website identification from the database (see Ryan et al. paragraphs [0043] and [0076]-[0077]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Liu et al. by the teachings of Ryan et al., since Ryan et al. teaches "it is a measure of which web-pages they found most useful after the key-word search. The combination of all surfer traces is used to create a users' choice hit-list". In addition to this, Ryan et al. teaches "presenting first the most popular web page listings in a subsequent search using the same keyword search entry" (see Abstract).

As to claim 2, Liu et al. as modified teaches further comprising creating a search model using the plurality of client data, the search model being configured to provide a score indicative of a relevance of a link to the keyword (see Ryan et al. paragraphs [0076]-[0077]).

As to claim 5, Liu et al. as modified teaches wherein links associated with the keyword are assigned corresponding scores using a search model (see Ryan et al. paragraph [0076]-[0077]).

As to claim 10, Liu et al. as modified teaches wherein client data further includes consumer purchase behavior (see 9:42-49 and 12:1-36).

5. Claims 4 and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US Patent 6,839,680) in view of Ryan et al. (US Pre-Grant Publication 2003/0088554), and further in view of Kamangar et al. (US Pre-Grant Publication 2003/0046161).

As to claim 4, Liu et al. as modified teaches the method of claim 21.

Liu et al. as modified does not teach informing the search engine of a selected layout among a plurality of different layouts to be used in presenting the plurality of links, the selected layout being selected based on a number of consumers who clicked on a link as presented in the selected layout versus the same link as presented in other layouts.

Kamangar et al. teaches informing the search engine of a selected layout among a plurality of different layouts to be used in presenting the plurality of links, the selected layout being selected based on a number of consumers who clicked on a link as presented in the selected layout versus the same link as presented in other layouts (see

paragraphs [0040] and [0043]. The position of four advertisements within a layout is considered by 'performance factors', one of which takes into "a measure of user interest for the ad weighted for past positions of the ad relative to those past positions". Ryan et al. teaches to count clicks, paragraphs [0076]-[0077] and [0087]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Ryan et al. by the teaching of Kamangar et al., since Kamangar et al. teaches that "the present invention involves novel methods, apparatus, message formats and data structures for providing effective advertisements in an interactive environment" (see paragraph [0022]).

Liu et al. as modified teaches the system of claim 14.

Liu et al. as modified does not teach wherein the search engine is configured to receive information on a selected layout among a plurality of different layouts to be used in presenting the set of links from the message server computer, the selected layout being selected based on a number of consumers who clicked on a particular link as presented in the selected layout versus the same particular link as presented in other layouts in the plurality of different layouts.

Kamangar et al. teaches wherein the search engine is configured to receive information on a selected layout among a plurality of different layouts to be used in presenting the set of links from the message server computer, the selected layout being selected based on a number of consumers who clicked on a particular link as presented in the selected layout versus the same particular link as presented in other layouts in

Art Unit: 2164

the plurality of different layouts (see paragraphs [0040] and [0043]. The position of four advertisements within a layout is considered by 'performance factors', one of which takes into "a measure of user interest for the ad weighted for past positions of the ad relative to those past positions". Ryan et al. teaches to count clicks, paragraphs [0076]-[0077] and [0087]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Liu et al. by the teaching of Kamangar et al., since Kamangar et al. teaches that "the present invention involves novel methods, apparatus, message formats and data structures for providing effective advertisements in an interactive environment" (see paragraph [0022]).

Response to Arguments

6. Applicant's arguments with respect to claims 2, 4-5, 10, and 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CHARLES RONES
SUPERVISORY PATENT EXAMINER

Charles Adams
AU2164

cy